

# PROPOSITION 112

## OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2018

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV, PART 1, SECTION 1, CONSTITUTION OF ARIZONA; RELATING TO INITIATIVE PETITIONS.

## TEXT OF PROPOSED AMENDMENT

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. Article IV, part 1, section 1, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

### 1. Legislative authority: initiative and referendum

Section 1. (1) Senate; house of representatives; reservation of power to people. The legislative authority of the state shall be vested in the legislature, consisting of a senate and a house of representatives, but the people reserve the power to propose laws and amendments to the constitution and to enact or reject such laws and amendments at the polls, independently of the legislature; and they also reserve, for use at their own option, the power to approve or reject at the polls any act, or item, section, or part of any act, of the legislature.

(2) Initiative power. The first of these reserved powers is the initiative. Under this power ten per ~~centum~~ CENT of the qualified electors shall have the right to propose any measure, and fifteen per ~~centum~~ CENT shall have the right to propose any amendment to the constitution.

(3) Referendum power; emergency measures; effective date of acts. The second of these reserved powers is the referendum. Under this power the legislature, or five per ~~centum~~ CENT of the qualified electors, may order the submission to the people at the polls of any measure, or item, section, or part of any measure, enacted by the legislature, except laws immediately necessary for the preservation of the public peace, health, or safety, or for the support and maintenance of the departments of the state government and state institutions; but to allow opportunity for referendum petitions, no act passed by the legislature shall be operative for ninety days after the close of the session of the legislature enacting such measure, except such as require earlier operation to preserve the public peace, health, or safety, or to provide appropriations for the support and maintenance of the departments of the state and of state institutions; provided, that no such emergency measure shall be considered passed by the legislature unless it shall state in a separate section why it is necessary that it shall become immediately operative, and shall be approved by the affirmative votes of two-thirds of the members elected to each house of the legislature, taken by roll call of ayes and nays, and also approved by the governor; and should such measure be vetoed by the governor, it shall not become a law unless it shall be approved by the votes of three-fourths of the members elected to each house of the legislature, taken by roll call of ayes and nays.

(4) Initiative and referendum petitions; filing. All petitions submitted under the power of the initiative shall be known as initiative petitions, and shall be filed with the secretary of state not less than ~~four~~ SIX months preceding the date of the election at which the measures so proposed are to be voted upon. All petitions submitted under the power of the referendum shall be known as referendum petitions, and shall be filed with the secretary of state not more than ninety days after the final adjournment of the session of the legislature which shall have passed the measure to which the referendum is applied. The filing of a referendum petition against any item, section, or part of any measure shall not prevent the remainder of such measure from becoming operative.

(5) Effective date of initiative and referendum measures. Any measure or amendment to the constitution proposed under the initiative, and any measure to which the referendum is applied, shall be referred to a vote of the qualified electors, and shall become law when approved by a majority of the votes cast thereon and upon proclamation of the governor, and not otherwise.

(6) (A) Veto of initiative or referendum. The veto power of the governor shall not extend to an initiative measure approved by a majority of the votes cast thereon or to a referendum measure decided by a majority of the votes cast thereon.

(6) (B) Legislature's power to repeal initiative or referendum. The legislature shall not have the power to repeal an initiative measure approved by a majority of the votes cast thereon or to repeal a referendum measure decided by a majority of the votes cast thereon.

(6) (C) Legislature's power to amend initiative or referendum. The legislature shall not have the power to amend an initiative measure approved by a majority of the votes cast thereon, or to amend a referendum measure decided by a majority of the votes cast thereon, unless the amending legislation furthers the purposes of such measure and at least three-fourths of the members of each house of the legislature, by a roll call of ayes and nays, vote to amend such measure.

(6) (D) Legislature's power to appropriate or divert funds created by initiative or referendum. The legislature shall not have the power to appropriate or divert funds created or allocated to a specific purpose by an initiative measure approved by a majority of the votes cast thereon, or by a referendum measure decided by a majority of the votes cast thereon, unless the appropriation or diversion of funds furthers the purposes of such measure and at least three-fourths of the members of each house of the legislature, by a roll call of ayes and nays, vote to appropriate or divert such funds.

(7) Number of qualified electors. The whole number of votes cast for all candidates for governor at the general election last preceding the filing of any initiative or referendum petition on a state or county measure shall be the basis on which the number of qualified electors required to sign such petition shall be computed.

(8) Local, city, town or county matters. The powers of the initiative and the referendum are hereby further reserved to the qualified electors of every incorporated city, town, and county as to all local, city, town, or county matters on which such incorporated cities, towns, and counties are or shall be empowered by general laws to legislate. Such incorporated cities, towns, and counties may prescribe the manner of exercising said powers within the restrictions of general laws. Under the power of the initiative fifteen per ~~centum~~ CENT of the qualified electors may propose measures on such local, city, town, or county matters, and

ten per centum CENT of the electors may propose the referendum on legislation enacted within and by such city, town, or county. Until provided by general law, said cities and towns may prescribe the basis on which said percentages shall be computed.

(9) Form and contents of initiative and of referendum petitions; verification. Every initiative or referendum petition shall be addressed to the secretary of state in the case of petitions for or on state measures, and to the clerk of the board of supervisors, city clerk, or corresponding officer in the case of petitions for or on county, city, or town measures; and shall contain the declaration of each petitioner, for himself, that he is a qualified elector of the state (and in the case of petitions for or on city, town, or county measures, of the city, town, or county affected), his post office address, the street and number, if any, of his residence, and the date on which he signed such petition. Each sheet containing petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure so proposed to be initiated or referred to the people, and every sheet of every such petition containing signatures shall be verified by the affidavit of the person who circulated said sheet or petition, setting forth that each of the names on said sheet was signed in the presence of the affiant and that in the belief of the affiant each signer was a qualified elector of the state, or in the case of a city, town, or county measure, of the city, town, or county affected by the measure so proposed to be initiated or referred to the people.

(10) Official ballot. When any initiative or referendum petition or any measure referred to the people by the legislature shall be filed, in accordance with this section, with the secretary of state, he shall cause to be printed on the official ballot at the next regular general election the title and number of said measure, together with the words "yes" and "no" in such manner that the electors may express at the polls their approval or disapproval of the measure.

(11) Publication of measures. The text of all measures to be submitted shall be published as proposed amendments to the constitution are published, and in submitting such measures and proposed amendments the secretary of state and all other officers shall be guided by the general law until legislation shall be especially provided therefor.

(12) Conflicting measures or constitutional amendments. If two or more conflicting measures or amendments to the constitution shall be approved by the people at the same election, the measure or amendment receiving the greatest number of affirmative votes shall prevail in all particulars as to which there is conflict.

(13) Canvass of votes; proclamation. It shall be the duty of the secretary of state, in the presence of the governor and the chief justice of the supreme court, to canvass the votes for and against each such measure or proposed amendment to the constitution within thirty days after the election, and upon the completion of the canvass the governor shall forthwith issue a proclamation, giving the whole number of votes cast for and against each measure or proposed amendment, and declaring such measures or amendments as are approved by a majority of those voting thereon to be law.

(14) Reservation of legislative power. This section shall not be construed to deprive the legislature of the right to enact any measure except that the legislature shall not have the power to adopt any measure that supersedes, in whole or in part, any initiative measure approved by a majority of the votes cast thereon or any referendum measure decided by a majority of the votes cast thereon unless the superseding measure furthers the purposes of the initiative or referendum measure and at least three-fourths of the members of each house of the legislature, by a roll call of ayes and nays, vote to supersede such initiative or referendum measure.

(15) Legislature's right to refer measure to the people. Nothing in this section shall be construed to deprive or limit the legislature of the right to order the submission to the people at the polls of any measure, item, section, or part of any measure.

(16) Self-executing. This section of the constitution shall be, in all respects, self-executing.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.

### ANALYSIS BY LEGISLATIVE COUNCIL

Proposition 112 would amend the Arizona Constitution to require that initiative petitions be filed at least six months before the date on which the measure will be voted on. Under current law, initiative petitions must be filed at least four months before the date on which the measure will be voted on.

### ARGUMENTS "FOR" PROPOSITION 112

As the co-sponsor of the bipartisan Proposition 112, I ask that you join me in voting yes on this referendum to improve the electoral process for all Arizonans. Proposition 112 is not a Republican or a Democrat measure; it is a measure to ensure the ballot initiative process is fair for every Arizonan. This measure simply moves the filing deadline for initiative petition signatures up two months, from July 1st of an election year to May 1st. This simple change, with no cost to Arizona taxpayers, will give election officials the necessary time to ensure petition signatures are properly filed, processed, counted and verified. Under the current time constraints it has proven difficult for election officials to verify the sometimes millions of signatures filed for initiatives in time for ballots to be printed. Providing more time for the signature review phase will allow for a more thorough verification process for each initiative that appears on the election ballot. Ensuring fairness in elections is the cornerstone of creating and maintaining a healthy and functioning democracy that works to provide every voter with an equal voice. While I do not always agree with my colleagues on the other side of the aisle, co-sponsoring this bipartisan legislation was simply common sense. Proposition 112 is designed to make our government work better for everyone. This measure passed with unanimous support from both the House and the Senate because improving our electoral process is good for Democrats, Republicans and every Arizona citizen. Please join me in voting yes on Proposition 112 on Election Day.

**Chad Campbell, State Representative, Phoenix**

*Paid for by Government for Arizona's 2nd Century*

#### Vote Yes on Proposition 112 and Improve the Citizen's Initiative Process

As Arizona approaches its centennial year, Greater Phoenix Leadership joined with Justice Sandra Day O'Connor and the O'Connor House Project to support Government for Arizona's 2nd Century, which brought citizens together from across the State to discuss problems facing Arizona and find solutions to improve our government. Their recommendations represent the views of a diverse, bipartisan group of people from across the State.

Improving the citizen's initiative process was overwhelmingly approved by the participants, and our Legislators agreed. In a rare display of unity, the Legislature unanimously endorsed this proposal to move the mandated filing deadline for initiative petitions up from July 1 in an election year to May 1. This simple change, with no cost to Arizona taxpayers, will give election officials the critical time they need to ensure petition signatures are properly filed, processed, counted and verified and allow for appropriate judicial review.

As strong supporters of the reforms that came out of Government for Arizona’s 2nd Century, Greater Phoenix Leadership urges you to vote yes on Proposition 112 to allow for the necessary time to make sure that ballot measures have been properly submitted and considered.

**Thomas R. Franz, President, Greater Phoenix Leadership, Phoenix**  
*Paid for by Greater Phoenix Leadership*

**Lisa A. Atkins, Vice President, Greater Phoenix Leadership, Litchfield Park**

The effect of this increased deadline for filing initiatives would be to set the bar higher for initiatives to be given ballot consideration. We think that is a good thing. We have a representative form of government – not a direct democracy. It is hard to hold the process or our elected representatives accountable when citizens create policy. Through initiatives, narrow ideas can become a tyrannical majority, as there is neither nuance nor compromise as in legislative debate.

**Kevin G. Rogers, President, Arizona Farm Bureau Federation, Gilbert**  
*Paid for by Arizona Farm Bureau Federation*

**James W. Klinker, Chief Administrative Officer, Arizona Farm Bureau Federation, Gilbert**

#### **Vote Yes on Proposition 112I**

Please join me in voting yes to pass Proposition 112 on Election Day. Proposition 112 will improve our state’s election process regarding citizen ballot initiatives. This measure simply moves the filing deadline for initiative petition signatures from four to six months prior to Election Day. Providing more time for the signature review phase will allow for a more thorough verification process for each initiative that appears on the election ballot. Ensuring that signatures are properly filed, processed, counted and verified will only strengthen our electoral system and citizen’s initiative process. Proposition 112 is designed to make our government work better for everyone. Please join me in voting yes on Proposition 112 on Election Day.

**Robert L. Burns, State Senate President, Peoria**  
*Paid for by Government for Arizona’s 2nd Century*

#### **Vote Yes on Proposition 112 and Improve the Citizen’s Initiative Process**

With an eye on Arizona’s approaching centennial, Justice Sandra Day O’Connor and the O’Connor House Project brought citizens together this past year to discuss problems facing our state and find solutions to improve our government. Their recommendations represent the views of a diverse, bi-partisan group of people from across the state.

Improving the citizen’s initiative process was overwhelmingly approved to by the participants. And our legislators agreed. In a rare display of unity, the legislature unanimously endorsed this proposal to move the constitutionally mandated filing deadline for initiative petitions up from July 1 in an election year to May 1. Adding these two months will give our election officials the critical time they need to verify that the signatures are valid and allow for appropriate judicial review.

As Chairman of Government for Arizona 2nd Century, a group of business and political leaders who are working to support Justice O’Connor’s project, we urge you to vote yes on Proposition 112 to give elections offices the time they need to make sure that ballot measures have been properly submitted and considered.

**Michael Bidwill, Chairman, Government for Arizona’s 2nd Century, Phoenix**  
*Paid for by Government for Arizona’s 2nd Century*

**Susan Gerard, Board Member, Government for Arizona’s 2nd Century, Phoenix**

#### **Vote Yes on Proposition 112**

As members of the Board of the O’Connor House, we are delighted to support Proposition 112, which would improve the citizen’s initiative process by adding time to properly file and verify ballot measures. This idea was one of several government reform measures proposed by a diverse, bipartisan group of citizens from across the state who participated in the O’Connor House Project, a year-long effort led by Justice O’Connor, to consider public policy solutions to the problems facing our state.

The motto of the O’Connor House is “Where civil talk leads to civic action” and it has come to fruition in this proposal. Justice O’Connor started the O’Connor House Project with Arizona’s approaching centennial celebration in mind. “As citizens,” she said, “If we make changes to help our state government become more effective and representative, we will celebrate Arizona’s second century with more confidence.”

We are grateful to Justice O’Connor for her leadership in our state, and hope you will join us in voting yes on proposition 112.

**Lucia Howard, President, The O’Connor House, Paradise Valley**  
*Paid for by Government for Arizona’s 2nd Century*

**Don Budinger, Board Member, The O’Connor House, Paradise Valley**

#### **SUPPORT THE INITIATIVE PROCESS—VOTE YES ON PROPOSITION 112**

Proposition 112 will strengthen the citizen initiative process by ensuring that adequate time will exist to certify propositions for the ballot.

Two years ago, I was part of an effort to qualify a proposed constitutional amendment for the ballot. It costs a great deal of time and money to collect sufficient signatures. When the Secretary of State reviewed the signatures, she found that we were close, but perhaps not close enough. We had the right to go to court to demonstrate that we had enough valid signatures. But by the luck of the draw, ours was the last proposed amendment to have its signatures counted. It was too late for us to have a court hearing.

So the initiative didn’t make it onto the ballot, and all the time and effort to qualify it was wasted—not because we didn’t have enough signatures, but because there simply wasn’t enough time built into the process to make sure the signatures could be checked and we could have our day in court. That meant voters were deprived of a chance to vote on a proposition that appeared to have strong majority support.

What happened to us could happen to anyone, simply because the time between submitting signatures and reviewing them is too short. By extending the time period by two months, it will provide enough time to review signatures and for initiative sponsors (or opponents) to have the decision reviewed in court, if necessary.

The citizen initiative is an important part of our democratic process. Proposition 112 will help make sure that it works for the people of Arizona.

**Clint Bolick, Attorney, Phoenix**  
*Paid for by Government for Arizona’s 2nd Century*

**Please Vote Yes on Prop 112**

Arizona's future is very bright!

This year, I was honored to be invited by retired Supreme Court Justice Sandra Day O'Connor, to participate in the O'Connor House Project on Government Reform.

Improving the citizen's initiative process - the only direct route to democracy in Arizona - was one of the many good government recommendations of the group, and one the legislature embraced with whole-hearted enthusiasm. This measure passed with unanimous support from both the House and the Senate, because it just makes good sense to give our election officials the time they need to make sure petition signatures are properly filed, processed, counted and verified. This measure simply moves the initiative filing deadline up two months, from July 1 of an election year to May 1; the purpose is to give officials time to make sure everything is in proper form before being presented to the voters.

Republicans and Democrats do not seem to agree on much these days, but everyone agreed that this is an important, common sense reform, designed to make our government work better.

I have personally used the Arizona Initiative Process and can attest that if Proposition 112 was in effect several years ago, we in Arizona would be better off because of it.

However, now is the time for simple common sense reform, so please Vote YES on Proposition 112.

**Martin L. Shultz, Vice President, Government Affairs, Pinnacle West Capital Corporation, Phoenix**

*Paid for by Government for Arizona's 2nd Century*

**Arizona Chamber of Commerce and Industry Urges YES Vote for Prop 112**

Proposition 112 makes a commonsense reform to the state's initiative process. As of now, Arizonans seeking to use the initiative process to propose an amendment to the state constitution or create a new state statute must have their petition signatures collected and submitted to the secretary of state four months prior to the November election date. Proposition 112 seeks to expand the time between the submission of those petitions and the November election to six months.

The two additional months will allow more time for any challenges to petitions and legal reviews. Recent Arizona history has seen initiatives knocked from the ballot because there simply wasn't enough time for the secretary of state, county recorders and the courts to give petitions the necessary review before publicity pamphlets and ballots needed to be printed.

Proposition 112 is a straightforward way of strengthening Arizona's citizen initiative process. We urge a YES vote on Proposition 112.

**Glenn Hamer, President & CEO, The Arizona Chamber of Commerce & Industry, Phoenix**

*Paid for by Arizona Chamber of Commerce & Industry*

**Reginald M. Ballantyne III, Chairman, The Arizona Chamber of Commerce & Industry, Phoenix**

**Prop 112 - initiatives: filing deadline**

Center for Arizona Policy supports Prop 112 because it strengthens the right of Arizona citizens to change our laws through the initiative process. The right to the initiative is a valuable right, and our laws should make the process as simple and transparent as possible. Prop 112 is an important step in that direction.

Prop 112 will allow more time for processing initiative petitions and any necessary legal challenges once an initiative has been filed. The current four month time period results in a rush to verify signatures, address any legal challenges to the signatures, craft analysis of the measure for the publicity pamphlet, address any challenges to the analysis, and craft the yes/no ballot language. Any missteps during that process can be fatal to the ballot measure because the timelines are so tight. Passing Prop 112 will allow the Legislature to restructure the current process and create a smoother, easier process for citizens who are working on initiative campaigns. Vote YES on Prop 112.

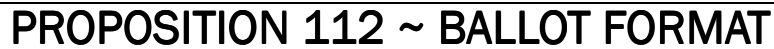
**Cathi Herrod, President, Center for Arizona Policy, Phoenix**

**Deborah Sheasby, Legal Counsel, Center for Arizona Policy, Phoenix**

*Paid for by Center for Arizona Policy*

**ARGUMENTS "AGAINST" PROPOSITION 112**

No arguments were submitted "against" Proposition 112.

NO ☐